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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/668,952	09/22/2000	A. Ira Horden	042390.P3275	2770

7590

02/14/2006

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EXAMINER

AUVE, GLENN ALLEN

ART UNIT

PAPER NUMBER

2111

DATE MAILED: 02/14/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
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EXAMINER
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ART UNIT	PAPER
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20060208

DATE MAILED:

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner for Patents

Attached is a notice of non-responsive amendment.



Glenn A. Aove  
Primary Examiner  
Art Unit: 2111

## DETAILED ACTION

### *Response to Amendment*

1. The reply filed on 15 December 2005 is not fully responsive to the prior Office Action because of the following omission(s) or matter(s):

1) As noted in the previous notice of non-responsive amendment, there does not appear to be an explanation of the support in the disclosure of the patent for the changes to be made to the claims (see 37 CFR 1.173(c)). Since applicant is amending claims 7-13 from their form in the previous amendment(s) there needs to be an explanation of support in the disclosure for the changes being made. The response filed 15 December 2005 does include proper arguments regarding the prior art rejections, so that deficiency has been corrected.

2) The claims are still not in the proper reissue format. Specifically, claim 10 should not contain any bracketing. The only place in a reissue in which bracketing should be used is to note deletion of anything that was present *in the patent as it issued* which is being deleted by reissue. Anything being added by reissue needs to be only underlined in its entirety. So, all of the claims being added should be underlined in their entirety with no indication being made to point out the changes being made since the last amendment.

3) The status indicators given for claims 7-13 are incorrect because they are not "new" at this point since they were previously presented. They should have status identifiers such as (x times amended) see 37 CFR 1.173(b)(2).

4) Claim 9 was canceled in the amendment filed 2 August 2005, therefore it cannot be reinstated. The claim indicated as claim 9 in the amendment filed 15 December 2005 should be numbered with the next highest claim number in sequence, i.e. claim 62 (see 37 CFR 1.126).

See 37 CFR 1.111. Since the above-mentioned reply appears to be *bona fide*, applicant is given **ONE (1) MONTH or THIRTY (30) DAYS** from the mailing date of this notice,

Art Unit: 2111

whichever is longer, within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a). **Further responses that are not compliant will be treated as not *bona fide* and thus will not entitle applicant to a restart of the response period and may result in the application going abandoned.**

2. It is also noted that a new oath or declaration will be required if and when the application is ready for allowance unless the claims to be allowed are exactly the same as those filed with the original reissue oath/declaration. See 37 CFR 1.175.

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Glenn A. Auve whose telephone number is (571) 272-3623. The examiner can normally be reached on M-F 8:00 AM-5:30 PM, every other Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mark Rinehart can be reached on (571) 272-3632. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2111

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read 'G. Auve', with a stylized flourish extending to the right.

Glenn A. Auve  
Primary Examiner  
Art Unit 2111

gaa  
8 February 2006